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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,538	02/07/2002	Darren Matthew Geros	2281-44PUS	4092
33372	7590	08/03/2005	EXAMINER	
MICHAEL MOLINS MOLINS & CO. SUITE S, LEVEL 6 139 MACQUARIE ST SYDNEY NSW, 2000 AUSTRALIA			MIZAN, SHAHIN	
			ART UNIT	PAPER NUMBER
			2132	
DATE MAILED: 08/03/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/049,538

Applicant(s)

GEROS, DARREN MATTHEW

Examiner

Shahin Mizan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 10049538.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: 3 sheets containing POA

### **DETAILED ACTION**

1. Claims 1-11 have been examined.

#### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: FIG. 1, FIG.2, FIG. 3, FIG. 4, FIG. 5, FIG. 6, FIG. 7, FIG. 8, and "Casual Hire Solution". Figure 2 is further objected to because it indicates an "ASP" in the fifth box down, but does not mention this in the specification.

Appropriate clarification is required. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are also objected to because FIG. 7 is missing. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the

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immediate prior version of the sheet, even if only one figure is being amended.

The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

4. The abstract of the disclosure is objected to because the language can be revised such that the nature and gist of the technical disclosure is better understood via use of complete sentences and other grammatical corrections.

Correction is required. See MPEP § 608.01(b).

5. The disclosure is objected to because of the following informalities:

- a) Page 1/[0005]/line 3: "provide" should be changed to "provider"
- b) Page 1/[0005]/line 4: "locked delivery box which delivery box is provided" should be changed to "locked delivery box which is provided "

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- c) Page 1/[0010]/line 3: "preset invention" should be changed to "present invention"
- d) Page 1/[0011]/line 3: "lastmentioned" should be changed to "last mentioned"
- e) Page 1/[0022]/line 3: "ps" lacks antecedent basis and should be further clarified
- f) Page 1: The Brief Description of Drawings only includes descriptions of figures 1, 2, 3, and 4. Brief descriptions of figures 5, 6, 7, and 8 should be added.
- g) A heading of "Detailed Description of the Preferred Embodiment(s)" or a heading of similar nature should be added above [0011] on page 1.

Appropriate corrections are required.

### ***Claim Objections***

6. Claims 1, 3, 5, 6, and 10 are objected to because of the following informalities:

- a) Claim 1: The phrase "normally locked delivery box which delivery box is provided" on lines 3-4 should be changed to "normally locked delivery box which is provided".

On line 8, "addsee's" should be changed to "addressee's".

The phrase "communication and storage means for recording the i& that a particular unique code has been utilised" should be changed to

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“communication and storage means for recording that a particular unique code has been utilised” or clarified accordingly.

- b) Claim 3: The phrase “pee determined length of time” on line 4 should be changed to “predetermined length of time”.
- c) Claim 5: The phrase “such tat” on line 10 should be changed to “such that”.
- d) Claim 6: The phrase “device on the or gate” on line 4 should be changed to “device on the door or gate”.
- e) Claim 10: The phrase “claim S” on line 1 should be changed to “claim 5”.

Appropriate corrections are required.

### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Kucharczyk et al (US Patent No. 6,570,488).

As for independent claim 1, Kucharczyk teaches a delivery system (*note Abstract*) involving addressors, addressees and a service provider wherein the

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addressees are provided with a normally locked delivery box (*note column 4, lines 21-23 - storage device fitted with a locking mechanism equates to the delivery box*) which is provided with an input device (*note column 10, lines 49-52 - the input device is the access code controller; also note Fig. 6*) as well as communication means (*note column 10, lines 60-67 - an interface unit equates to communication means*) capable of transmitting messages from the input device to the service provider (*note column 10, line 61 - server is the service provider*) and also capable of receiving an unlock command from a service provider (*note column 9, lines 22-24 - server transmits the access code to the locking device; note column 10, lines 65-66 - the interface unit is configurable to accept access code from remote site that could open the lock; also note column 9, line 17 - the server pushes the access code to the locking device*), a unique identifier associated with each addressee's delivery box (*note column 7, line 10 - each storage is associated with serial number or physical address; also note column 3, lines 56-57 - a residence, apartment, office, or building serves as a unique identifier*); microprocessor and electronic storage means associated with a service provider remote from the delivery box and linked to communication means (*note column 9, lines 60-67 and Fig. 5 - a server by default contain at least one microprocessor, storage means and communication means*); means accessible to the addressor adapted to generate a code unique to each delivery intended to be effected by that addressor through the system (*note column 2, line 26 - one-time access code for the locking mechanism is described*); the delivery box input device being capable of accepting a unique delivery code from a delivery person and in conjunction with the communication means transmitting same to the service provider for verification (*note column 9, line 34-39 - locking device uploads the access code to the server; also note column 4, lines 38-47 - the access code entry unit accepts delivery*

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*person's code and verifies against the one-time access code stored in the storage device or alternatively the code could be transmitted to the server via the communication means for verification); reconciliation means associated with the microprocessor and electronic storage means of the service provider for verifying the authenticity of unique delivery codes received from particular delivery boxes (note column 10, lines 5-14 – a transaction monitor verifies all request including the authenticity of one-time access code); an electronically operable lock (note column 5, lines 59-62 – electronics for locking mechanism described; also note column 4, lines 38-65 - electrically controlled lock is defined) on the delivery box interfaced with the communication means (note column 10, lines 60- 61 and Fig. 6) of the delivery box such that a service provider may unlock the relevant box by transmission of a signal via the communication means to an individual delivery box in response to receipt of a correct unique delivery code received by the service provider from that box (note column 10, lines 34-37 – the lock can be opened remotely via the communication means; also note column 11, lines 6-10); means associated with the service provider's communication and storage means for recording that a particular unique code has been utilised to open a particular delivery box (note column 10, lines 5-14 – a transaction monitor keeps track of access code assignment and uses)*

As for claim 2, which is dependent on claim 1, Kucharczyk teaches a delivery system in accordance with claim 1 hereof wherein the signal transmitted via the communication device by the service provider to unlock the delivery box is encoded (note Fig. 3 which shows the communication path from the server to locking devices; also note Fig. 5 which shows interfaces between the server and storage devices; also note Fig. 6 which shows the detailed functional block diagram description of storage device; also



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*note column 9, lines 66-67 and column 10, lines 1-4 - e-mail engine that allows encoded communication and web server that allows secure communication).*

As for claim 3, which is dependent on claim 1, Kucharczyk teaches a delivery system in accordance with claim 1 hereof wherein the code unique to each delivery may not be regenerated by the system in relation to a subsequent delivery until the expiry of a predetermined length of time (*note column 7, lines 30-38 - one-time code is used to open the lock*).

As for claim 4, which is dependent on claim 1, Kucharczyk teaches a delivery system in accordance with claim 1 hereof wherein the communication means for the service provider's microprocessor and electronic storage means and the delivery box comprise modems in connection with conventional data transmission pathways such as telephone lines (*note column 6, line 48 and FIG. 3 - communication via modem is claimed*).

As for independent claim 5, Kucharczyk teaches a lockable delivery box (*note column 4, lines 38-40 – storage device with locking mechanism; also note column 5, line 59-62 - explains the electronic component for the locking mechanism*) adapted to be placed in an accessible position (*note column 3, lines 56-57 - a residence, apartment, office, or building serves as a potential location*); a locking device adapted for electronic control to govern access to the delivery box (*note column 5, lines 59-62 - explains the electronic component for the locking mechanism; also note column 4, lines 38-65*); an input device adapted to receive coded data (*note column 4, lines 47-65 – the access code entry unit is able to receive coded data*); communication means associated with the delivery box adapted to receive and transmit data (*note Fig. 6 which shows the interface needed for*

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*communicating with the server or external entity; also note column 4, lines 38-65 - describes the local transmit and receive functions associated with the storage device); the communication means being interfaced with the input device so as to be capable of transmitting information from the input device to a remote location (note column 10, lines 60-67 and Fig. 6 – remote communication with a server is described); the communication means also being interfaced with the electronic locking device such that receipt via the communication means of an appropriate signal from a remote location may effect unlocking of the box (note column 10, lines 34-37 – remote communication with locking device is described).*

As for claim 6, which is dependent on claim 5, Kucharczyk teaches a delivery box in accordance with claim 5 hereof wherein the delivery box is a virtual box incorporating a secure area behind a door or gate such that the locking device on the door or gate becomes the locking device controlling access *(note column 12, lines 9-13 – the invention is applicable to doors and gates).*

As for claim 7, which is dependent on claim 5, Kucharczyk teaches a delivery box in accordance with claim 5 hereof wherein the communication means comprises a modem in conjunction with conventional data transmission channels such as telephone lines *(note column 6, lines 35-52 - communication via modem is claimed).*

As for claim 8, which is dependent on claim 5, Kucharczyk teaches a delivery box in accordance with claim 5 hereof wherein the input device is a scanning device *(note column 4, line 66 – bar code scanner is claimed).*

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As for claim 9, which is dependent on claim 5, Kucharczyk teaches a delivery box in accordance with claim 5 hereof wherein the input device is a keypad (*note column 4, line 41*).

As for claim 10, which is dependent on claim 5, Kucharczyk teaches a delivery box in accordance with claim 5 hereof wherein the input device interfaces the communication device via a microprocessor (*note column 10, lines 49-56 and FIG. 6*).

As for claim 11, which is dependent on claim 5, Kucharczyk teaches a delivery box in accordance with claim 5 hereof wherein the input device is a card reader (*note column 4, line 50*).

### **Conclusion**

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Stephens et al. (US Patent # 6,323,782) teaches an unattended item delivery system.

Kaarsoo (US Patent # 5,475,378) teaches an electronic access control mailbox system.

### **Reference Priority**

10. If a copy of a provisional application listed on the bottom portion of the accompanying Notice of References Cited (PTO-892) form is not included with this Office action and the PTO-892 has been annotated to indicate that the copy was not readily available, it is because the copy could not be readily obtained when the Office action was mailed. Should applicant desire a copy of such a

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provisional application, applicant should promptly request the copy from the Office of Public Records (OPR) in accordance with 37 CFR 1.14(a)(1)(iv), paying the required fee under 37 CFR 1.19(b)(1). If a copy is ordered from OPR, the shortened statutory period for reply to this Office action will not be reset under MPEP § 710.06 unless applicant can demonstrate a substantial delay by the Office in fulfilling the order for the copy of the provisional application. Where the applicant has been notified on the PTO-892 that a copy of the provisional application is not readily available, the provision of MPEP § 707.05(a) that a copy of the cited reference will be automatically furnished without charge will not apply.

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***Inquiries***

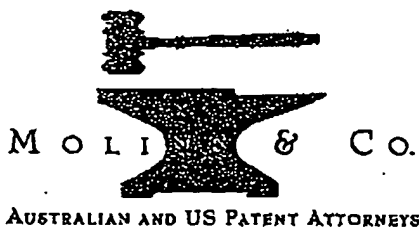
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shahin Mizan whose telephone number is 571-272-0687. The examiner can normally be reached on M-F 8 a.m. - 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shahin Mizan  
Examiner  
Art Unit 2132

  
GILBERTO BARRON JR.  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100



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By facsimile: 0011 1 703 8729306

In Re Application of: Darren Matthew Geros  
US Application Number: 10/049,538  
Filing Date: 7 February 2002  
Title: Secure Delivery System  
Group Art Unit: Unknown  
Examiner: Unknown  
Attorney Docket No: GEO0001U

August 3, 2004

Dear Sirs,

The undersigned submitted a Power of Attorney in the letter to the  
Commissioner dated 2 February, 2004.

Can you please confirm that you have received this Power of Attorney?

Can you please confirm that you will send all further correspondence to:

Molins & Co.  
Suite 5, Level 6  
139 Macquarie Street  
Sydney NSW 2000  
Australia

POA  
Received  
~~3/3/05~~  
2/12/04

Office Action  
mailed here with

If there has been any official correspondence could the undersigned please be  
notified.

Regards,

*Michael Molins*

Michael Molins  
Reg. No. 31785  
Customer No. 33372



#5

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Geros, Darren Matthew  
US Application Number: 10/049,538  
US Publication Number: 20030023870  
Filing Date: February 7, 2002  
For: Secure Delivery System  
Group Art Unit:  
Examiner:

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Technology Center 2100

## POWER OF ATTORNEY

I hereby appoint the following persons of the firm of Molins & Co., Level 25 Chifley Tower, 2 Chifley Square Sydney NSW 2000 Australia as attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Michael Molins      Reg. No. 31,785      Customer Number 33372

Address all further telephone calls and correspondence to:

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COPY of  
POA on record

Signature of Darren Matthew Geros: *D. Geros*Date: 23.01.04.

\*\*\*\*\*

Signature of Lynda Chapman: *L Chapman*

Date:

Best Available Cop,